

Panaji, 21st May, 1987 (Vaisakha 31, 1909)

SERIES I No. 8

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Law Department

Establishment Branch

Office of the Chief Electoral Officer

Notification

5-1-87/ELEC

The following Notification No. S.O. 961(E) dated 29/12/1986 issued by the Election Commission of India, New Delhi is hereby published for general information.

M. Raghuchandar, Addl. Chief Electoral Officer.
Panaji, 13th January, 1987.

GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 29th December, 1986
8 Pausa, 1908 (Saka)

Notification

S.O. In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Conduct of Election Rules, 1961, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Conduct of Elections (Second Amendment) Rules, 1986.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *In the Conduct of Elections Rules, 1961,—*

(1) in Form 2A, after the words, brackets and letter “(d) that my name and my Father’s/husband’s name have been correctly spelt out above in ... (name of the language)” the following shall be inserted, namely:—

“(e) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the House of the People.”;

(2) in Form 2B, after the words, bracket and letter “(d) that my name and my father’s/husband’s name have been correctly spelt out above in ... (name of the language).”, the following shall be inserted, namely:—

“(e) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of ...”;

(3) in Form 2C, after the words, brackets and letter “(c) that my name and my father’s/husband’s name have been correctly spelt out above in ... (name of the language)”, the following shall be inserted, namely:—

“(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Council of States.”;

(4) in Form 2D, after the words, brackets and letter “(c) that my name and my father’s/husband’s name have been correctly spelt out above in ... (name of the language)” the following shall be inserted, namely:—

“(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Council of ... (State) by the members of the Legislative Assembly.”;

(5) in Form 2E, after the words, brackets and letter “(c) that my name and my father’s/husband’s name have been correctly spelt out above in ... (name of the language)” the following shall be inserted, namely:—

“(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Council of ... (State) from ... Council Constituency.”;

(6) in Form 3A, in the Table, after column 5,—

(i) the following heading and column number shall be inserted, namely:—

“Party affiliation
6”; and

(ii) existing columns ‘6’, ‘7’, ‘8’ and ‘9’ shall be re-numbered as columns ‘7’, ‘8’, ‘9’ and ‘10’.”;

(7) in Form 3B, in the Table, after column 5,—

(i) the following heading and column number shall be inserted, namely:—

"Party affiliation 6"; and

(ii) existing columns '6', '7' and '8', shall be renumbered as columns '7', '8' and '9'";

(8) in Form 3C, in the Table, after column 5,

(i) the following heading and column number shall be inserted, namely:—

"Party affiliation 6"; and

(ii) the existing columns '6', '7' and '8', shall be re-numbered as columns '7', '8' and '9'";

(9) in Form 4, in the Table, the following heading and column number shall be added at the end, namely:—

"Party affiliation 5.";

(10) for Forms 13D, the following Forms shall be substituted, namely:—

"FORM 13D

Instructions for Guidance of Electors

[See rule 23(1) (d)]

(To be used at an election to the House of the People or to the Legislative Assembly of a State)

Election to the* ... from the ...

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. Record your vote by placing clearly a mark opposite the name of the candidate to whom you wish to give your vote. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given your vote, your vote will be invalid.

The number of members to be elected is one. Please remember that you have only one vote. Accordingly you should not vote for more than one candidate. If you do so, your ballot paper will be rejected.

Do not put your signature or write any word or make any mark, sign or writing whatsoever on the ballot paper other than the mark required to record your vote.

After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.

(1) You may then sign the declaration in Form 13A also sent herewith in the presence of a stipendiary magistrate and obtain the attestation of your signature by such stipendiary magistrate.

(2) If you are a member of the armed forces of the Union or of an armed police force of a State but is serving outside that State, the attestation may be obtained by such officer as may be appointed in this behalf by the Commanding Officer of the Unit, ship or establishment in which you or your husband, as the case may be, are employed.

(3) If you are employed under the Government of India in a post outside India the attestation may be obtained by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which you are resident.

(4) If you hold an office like the office of the (i) President, (ii) Vice-President, (iii) Governors of States, (iv) Cabinet Ministers of the Union or of any State, (v) The Deputy Chairman and Members of the Planning Commission, (vi) The Ministers of State of the Union or of any State, (vii) Deputy Ministers of the Union or of any State, (viii) The Speaker of the House of the People or of any State Legislative Assembly, (ix) The Chairman of any State Legislative Council, (x) Lieutenant Governors of Union Territories, (xi) The Deputy Speaker of the House of the People or of any State Legislative Assembly, (xii) The Deputy Chairman of the Council of States or of any State Legislative Council, (xiii) Parliamentary Secretaries of the Union or of any State, the attestation may be obtained by an officer not below the rank of a Deputy Secretary to the Government of the Union or the State as the case may be.

(5) If you are on an election duty, attestation may be obtained by any gazetted officer or by the Presiding Officer of the polling station in which you are on election duty.

(6) If you are under preventive detention, the attestation may be obtained by the Superintendent of the jail or the Commandant of the detention camp in which you are under detention.

In all the above cases you may take the declaration to the authorised officer and sign it in his presence after he has satisfied himself about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.

If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and declaration signed on your behalf by any of the authorised officer mentioned above. Such an officer will, at your request, mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

After your declaration has been signed and your signature has been attested, place the declaration in Form 13A as also the smaller cover marked 'A' containing the ballot paper in the larger cover marked 'B'. After closing the larger cover, send it to the returning officer by post or by messenger. [You have to give your full signature in the space provided on the cover marked 'B'. No postage stamp need be affixed by you, if the cover is posted in India. If, however, you are an elector employed under the Government of India in a post outside India, you should return the cover to the returning officer concerned direct by air mail service after the requisite postage stamp is duly affixed thereon by the office in which you are serving except where it is sent by diplomatic bag].

*Appropriate particulars of the election to be inserted here.

You must ensure that the cover reaches the returning officer before * ... * on ...

Please note that;

(i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and

(ii) if the cover reaches the returning officer after * ... on the * ... your vote will not be counted.

*(Here specify the hour and date fixed for the commencement of counting of votes).

FORM 13D

Instructions for the Guidance of Electors

[See rule 23(1) (d)]

(To be used at an election to the Council of States or to the Legislative Council of a State)

Election to the Council of States

Legislative Council

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. Record your vote by placing the figure 1 in the space opposite the name of the candidate to whom you want to vote. Place the figure 1 opposite the name of one candidate only* (although there are more members than one to be elected). You may indicate your relative preference for the other candidates by placing in the spaces opposite their names the figures 2, 3, 4 etc. in order of such preference. Do not place more than one figure opposite the name of any candidate and do not place the same figure opposite the names of more candidates than one.

The number of members to be elected is ...

After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.

You have then to sign the declaration in Form 13A also sent herewith in the presence of an officer competent to attest your signature. If you are under preventive detention the attestation of your signature on the declaration in Form 13A shall be obtained by the Superintendent of the jail or the Commandant of the detention camp in which you are under such detention. If you are not under preventive detention, the attestation may be obtained by a stipendiary magistrate to whom you are personally known or to whose satisfaction you have been identified, or in the case of an election to a Council Constituency by any of the following categories of officers who have been notified in this behalf by the Election Commission, namely:—

*To be deleted when only one member is to be elected.

Take the declaration to any such officer and sign it in his presence after he has been satisfied

about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.

If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by an officer competent to attest your signature. Such an officer will, at your request, mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

After the declaration has been signed and your signature has been attested, place the declaration in Form 13A as also the smaller cover marked 'A' containing the ballot paper in the larger cover marked 'B'. After closing the larger cover, send it to the Returning Officer by registered post or by messenger.

You must ensure that the cover reaches the returning officer before* ... on the * ...

Please note that —

(i) if you fail to get your declaration attested or certified in the manner indicated above your ballot paper will be rejected; and

(ii) if the cover reaches the returning officer after* ... on the * ... your vote will not be counted.

*Here specify the hour and date fixed for the commencement of counting of votes.

Any ballot paper on which the figure 1 is not marked or on which the figure 1 is set opposite the name of more than one candidate, or is so placed as to render it doubtful to which candidate it is intended to apply, or on which the figure 1 and some other figures are set opposite the name of the same candidate or on which the same figure is set opposite the name of more candidates than one, or on which the signature of the elector is not duly attested or the number of which does not agree with the number of the ballot paper entered on the cover in which it is placed, will be rejected.”;

(11) in Form 22, after words “Shri ... of ...”, the following words and brackets shall be inserted, namely “Sponsored by ... (name of the recognised/registered political party)”;

(12) in Form 23B, after the brackets and word “(Address)” at both the places where they occur, the following words and brackets shall be inserted, namely “Sponsored by ... (name of the recognised/registered political party)”;

(13) in Form 24, after the word “Shri ...”, the following words and brackets shall be inserted,

namely: — "Sponsored by ... (name of the recognised/registered political party).

[F.7(1)/84-Leg.II]

(K. SUBRAMANIAN)

Joint Secretary to the Government of India

NOTE: — The principal rules were published vide S.O. 859 dated 15-4-1961 and subsequently amended by: —

S.O.No.	date
597	27-2-1962
2912	21-8-1964
3662	12-10-1964
3450	9-11-1966
3875	15-12-1966
1542	25-4-1967
1433	19-4-1968
1520	25-4-1968
4542	20-12-1968
2362	3-7-1970
479A	27-1-1971
5573	23-12-1971
505(E)	18-9-1973
286(E)	8-5-1974
229(E)	26-5-1975
795(E)	14-12-1976
518(E)	7-9-1979
767(E)	29-11-1979
846(E)	17-12-1979
565(E)	4-8-1984
671(E)	5-9-1984
340(E)	4-6-1986

Legal Affairs Branch

Notification

LD/1/87-L.A.B./334(5)

The Constitution (Fifty-fifth Amendment) Act, 1986 which was passed by Parliament and assented to by the President on 23rd December, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 23-12-1986 is hereby republished for general information.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 27th March, 1987.

The Constitution (Fifty-fifth Amendment) Act, 1986

AN
ACT

further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Constitution (Fifty-fifth Amendment) Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Insertion of new article 371H.* — After article 371G of the Constitution, the following article shall be inserted, namely: —

"371H. *Special provision with respect to the State of Arunachal Pradesh.* — Notwithstanding anything in this Constitution, —

(a) the Governor of Arunachal Pradesh shall have special responsibility with respect to law and order in the State of Arunachal Pradesh and in the discharge of his functions in relation thereto, the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken:

Provided that if any question arises whether any matter is or is not a matter as respects which the Governor is under this clause required to act in the exercise of his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgment:

Provided further that if the President on receipt of a report from the Governor or otherwise is satisfied that it is no longer necessary for the Governor to have special responsibility with respect to law and order in the State of Arunachal Pradesh, he may by order direct that the Governor shall cease to have such responsibility with effect from such date as may be specified in the order:

(b) the Legislative Assembly of the State of Arunachal Pradesh shall consist of not less than thirty members."

Notification

LD/1/87-L.A.B./336(2)

The Indian Post Office (Second Amendment) Act, 1986 (Act No. 67 of 1986) which was passed by Parliament and assented to by the President of India on 24th December, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 26th December, 1986, is hereby republished for general information.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 1st April, 1987.

The Indian Post Office (Second Amendment) Act, 1986

AN
ACT

further to amend the Indian Post Office Act, 1898.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Indian Post Office (Second Amendment) Act, 1986.

(2) It shall come into force on the 1st day of January, 1987.

2. *Substitution of a new Schedule for the First Schedule to Act 6 of 1898.*—In the Indian Post Office Act, 1898, for the First Schedule, the following Schedule shall be substituted, namely:—

"THE FIRST SCHEDULE

(See section 7)

Inland Postage Rates

Letters

For a weight not exceeding ten grams	60 paise
For every ten grams or fraction thereof, exceeding ten grams	40 paise

Letter-cards

For a letter-card	35 paise
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Post cards (not being post cards containing printed communication)

Single	15 paise
Reply	30 paise

Post cards containing printed communication

For a post card	40 paise
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Explanation.—A post card shall be deemed to contain a printed communication, if any matter (except the name and address of, and other particulars relating to, the sender and the place and date of despatch) is recorded by printing or by cyclostyling or by any other mechanical process, not being typewriting, on any part of the post card except the right-hand half of the address-side thereof.

Book, pattern and sample packets

For the first fifty grams or fraction thereof	50 paise
For every additional fifty grams, or fraction thereof, in excess of fifty grams	50 paise

Registered newspapers

For a weight not exceeding fifty grams	15 paise
For a weight exceeding fifty grams but not exceeding one hundred grams	25 paise
For every additional one hundred grams, or fraction thereof, exceeding one hundred grams	10 paise

In the case of more than one copy of the same issue of a registered newspaper being carried in the same packet—

For a weight not exceeding one hundred grams	25 paise
For every additional one hundred grams, or fraction thereof, exceeding one hundred grams	10 paise

Provided that such packet shall not be delivered at any addressee's residence but shall be given to a recognised agent at the Post Office.

Parcels

For a weight not exceeding five hundred grams	Rs. 4.00
For every five hundred grams, or fraction thereof, exceeding five hundred grams	Rs. 4.00."

Notification

LD/1/87-L.A.B.

The Atomic Energy (Amendment) Act, 1986 (Act No. 59 of 1986) which was passed by Parliament and assented to by the President of India on 23rd December, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 23rd

December, 1986, is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji 13th April, 1987.

The Atomic Energy (Amendment) Act, 1986

AN
ACT

further to amend the Atomic Energy Act, 1962.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Atomic Energy (Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 21st day of September, 1962.

2. *Amendment of section 6.*—In section 6 of the Atomic Energy Act, 1962 33 of 1962. (hereinafter referred to as the principal Act),—

(a) in sub-section (2),—

(i) for the words and figures "proposes to acquire it and upon the service of the notice and the payment of compensation in accordance with section 21", the words "proposes to compulsorily acquire it and upon the service of the notice" shall be substituted;

(ii) the proviso shall be omitted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Compensation in respect of acquisition under sub-section (2) shall be paid in accordance with section 21 and in determining such compensation regard shall be had to the cost of production of such mineral, concentrate or other material and such other factors as may be relevant, but no account shall be taken of the value of uranium in its natural state contained therein."

3. *Insertion of new section 11A.*—After section 11 of the principal Act, the following section shall be inserted, namely:—

"11A. *Removal of doubts.*—For the removal of doubts, it is hereby declared that the compulsory acquisition of any mineral, concentrate or other material under sub-section (2) of section 6, or of any substance, minerals, equipment or plant under sub-section (1) of section 11, shall not be deemed to be a sale for any purpose whatsoever."

Notification

LD/1/87-L.A.B.

The Monopolies and Restrictive Trade Practices (Amendment) Act, 1986 (Act No. 74 of 1986) which was passed by the Parliament and assented to by the President of India on 24th December, 1986 and published in the Gazette of India, Extraordinary,

Part II, Section 1, dated 26th December, 1986, is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 14th April, 1987.

The Monopolies and Restrictive Trade Practices
(Amendment) Act, 1986

AN
ACT

further to amend the Monopolies and Restrictive Trade Practices Act, 1969.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Monopolies and Restrictive Trade Practices (Amendment) Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. 54 of 1969.

2. *Amendment of section 2.*—In section 2 of the Monopolies and Restrictive Trade Practices Act, 1969 (hereinafter referred to as the principal Act), after clause (m), the following clause shall be inserted, namely:—

“(n) “registered consumers’ association” means a voluntary association of persons registered under the Companies Act, 1956 or any other law for the time being in force which is formed for the purpose of protecting the interests of consumers generally and is recognised by the Central Government as such association on an application made in this behalf in such form and such manner as may be prescribed.” 1 of 1956.

3. *Amendment of section 10.*—In section 10 of the principal Act, in clause (a), in sub-clause (i), for the words “from any trade or consumers’ association having a membership of not less than twenty-five persons or from twenty-five or more consumers”, the words “from any trade association or from any consumer or a registered consumers’ association, whether such consumer is a member of that consumers’ association or not” shall be substituted.

4. *Amendment of section 11.*—In section 11 of the principal Act, in sub-section (1), for the words, brackets, figure and letter “under sub-clause (i) of clause (a)”, the words, brackets, figure and letter “from any association under sub-clause (i) of clause (a)” shall be substituted.

5. *Amendment of section 36B.*—In section 36B of the principal Act, in clause (a), for the words “from any trade or consumers’ association having a membership of not less than twenty-five persons or from twenty-five or more consumers”, the words “from any trade association or from any consumer

or a registered consumers’ association, whether such consumer is a member of that consumers’ association or not” shall be substituted.

6. *Amendment of section 36C.*—In section 36C of the principal Act, for the words, brackets and letter “under clause (a)”, the words, brackets and letter “by an association under clause (a)” shall be substituted.

7. *Amendment of section 67.*—In section 67, of the principal Act, in sub-section (2), clause (aa) shall be relettered as clause (ac) and before clause (ac) as so relettered, the following clause shall be inserted, namely:—

“(ab) the form and the manner in which an application for recognition shall be made under clause (n) of section 2.”

Notification

LD/1/87-L.A.B.

The Drugs and Cosmetics (Amendment) Act, 1986 (Act No. 71 of 1986) which was passed by Parliament and assented to by the President of India on 24th December, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 26th December, 1986, is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 14th April, 1987.

The Drugs and Cosmetics (Amendment) Act, 1986

AN
ACT

further to amend the Drugs and Cosmetics Act, 1940.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Drugs and Cosmetics (Amendment) Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 26.*—In section 26 of the Drugs and Cosmetics Act, 1940 (hereinafter referred to as the principal Act),— 23 of 1940.

(a) after the words “Any person”, the words “or any recognised consumer association, whether such person is a member of that association or not,” shall be inserted;

(b) for the words “purchased by him”, the words “purchased by him or it” shall be substituted;

(c) the following *Explanation* shall be added at the end, namely:—

“*Explanation.*—For the purposes of this section and section 32, “re-

cognised consumer association" means a voluntary consumer association registered under the Companies Act, 1956 or any other law for the time being in force.' 1 of 1956.

3. *Amendment of section 32.* — In section 32 of the principal Act, in sub-section (1), after the words "an Inspector", the words "or by the person aggrieved or by a recognised consumer association whether such person is a member of that association or not" shall be inserted.

Notification

LD/1/87-L.A.B.

The Essential Commodities (Second Amendment) Act, 1986 (Act No. 73 of 1986) which was passed by Parliament and assented to by the President of India on 24th December, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 26th December, 1986 is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 14th April, 1987.

The Essential Commodities (Second Amendment) Act, 1986

An
Act

further to amend the Essential Commodities Act, 1955.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Essential Commodities (Second Amendment) Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 11.* — In section 11 of the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act),—

(a) after the words "Indian Penal Code", the words "or any person aggrieved or any recognised consumer association, whether such person is a member of that association or not" shall be inserted;

(b) the following *Explanation* shall be added at the end, namely:—

Explanation. — For the purposes of this section and section 12AA, "recognised consumer association" means a voluntary consumer association registered under the Companies Act, 1956 or any other law for the time being in force.' 1 of 1956.

3. *Amendment of section 12AA.* — In sub-section (1) of section 12AA of the principal Act, in clause (e), after the words "Government concerned", the words "or any person aggrieved or any recognised consumer association, whether such person is a member of that association or not," shall be inserted.

Notification

LD/1/87-L.A.B.

The Standards of Weights and Measures (Enforcement) Amendment Act, 1986 (Act No. 72 of 1986) which was passed by Parliament and assented to by the President of India on 24th December, 1986 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 26th December, 1986, is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 14th April, 1987.

The Standards of Weights and Measures (Enforcement) Amendment Act, 1986

AN

ACT

to amend the Standards of Weights and Measures (Enforcement) Act, 1985.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement* — (1) This Act may be called the Standards of Weights and Measures (Enforcement) Amendment Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 36.* — In section 36 of the Standards of Weights and Measures (Enforcement) Act, 1985 54 of 1985. (hereinafter referred to as the principal Act), for the words "shall be punished with imprisonment for a term which may extend to one year, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine", the following shall be substituted, namely:—

"shall be punished with imprisonment for a term which shall not be less than three months but which may extend to one year, and, for the second or subsequent offence, with imprisonment for a term which shall not be less than six months, but which may extend to three years, and also with fine".

3. *Amendment of section 37.* — In section 37 of the principal Act, for the words "shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine"; wherever they occur, the following shall be substituted, namely:—

"shall be punished with imprisonment for a term which shall not be less than six months but which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which shall not be less than one year but which may extend to five years and also with fine".

4. *Amendment of section 38.* — In section 38 of the principal Act, for the words "shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with im-

prisonment for a term which may extend to one year and also with fine", at both the places where they occur, the following shall be substituted, namely: —

"shall be punished with fine which shall not be less than five hundred rupees but which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year and also with fine".

5. *Amendment of section 63.* — In section 63 of principal Act, for clause (a), the following clause shall be substituted, namely: —

'(a) no court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by —

(i) the Controller;

(ii) any other officer authorised in this behalf by the Controller by general or special order;

(iii) any person aggrieved; or

(iv) a recognised consumer association whether the person aggrieved is a member of such association or not.

Explanation. — For the purposes of this clause "recognised consumer association" means a voluntary consumer association registered under the Companies Act, 1956 or any other law for the time being in force; 1 of 1956.